

FACTSHEET

TITLE: COMPREHENSIVE PLAN AMENDMENT NO.

04002, requested by the Director of Planning on behalf of the Lincoln Airport Authority, to adopt the "**Lincoln Airport F.A.R. Part 150 Noise Compatibility Study**" as an approved subarea plan of the Lincoln/Lancaster County Comprehensive Plan, and to amend the Land Use Plan accordingly, for the area generally between S.W. 40th Street and South Coddington Avenue, from West South Street to ½ mile north of West "A" Street.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 04/28/04; 05/26/04 and 06/23/04
Administrative Action: 06/23/04

RECOMMENDATION: Approval (9-0: Pearson, Carroll, Marvin, Taylor, Krieser, Larson, Sunderman, Carlson and Bills-Strand voting 'yes').

STAFF RECOMMENDATION: Approval.

ASSOCIATED REQUEST: Change of Zone No. 04024 (04-131).

FINDINGS OF FACT:

1. This amendment to the Comprehensive Plan proposes: a) to adopt the "Lincoln Airport Federal Aviation Regulation (F.A.R.) Part 150 Noise Compatibility Study as an approved subarea plan; b) to amend language in the "Mobility and Transportation" section; and c) to amend the Land Use Plan and Future Service Limit accordingly. A hard copy of the Study is being placed on file with the City Council office. A copy of the Study on cd is being provided to the City Council members and the City Clerk.
2. The staff recommendation to approve this proposed amendment as to conformity with the Comprehensive Plan is based upon the "Status/Description" and "Comprehensive Plan Implications" as set forth on p.3-6, concluding, in part, that the approval of the Noise Study replaces the ANCLUC Study completed in 1980, and provides the best available information to maintain compatibly-zoned land uses, ensures the continued viability of airport operations, requires fair notice of aircraft overflight and noise impact disclosure to prospective residents and business owners and minimizes noise impacts to existing and future development areas. The Noise Study contains recommendations that aim to reduce aircraft noise impacts and noncompatible land uses. The staff finds that the Noise Study is in conformance with the goals of the Comprehensive Plan.
3. The specific amendments to the Comprehensive Plan are found on p.7.
4. The minutes of the Planning Commission public hearings and action are found on p.8-11. The comments submitted by John Wood, Executive Director of the Lincoln Airport Authority are found on p.11 and 18-22 Peter Katt also testified in support on behalf of Hartland Homes, urging that the associated text amendments to the zoning ordinance move forward as quickly as possible (p.10).
5. There was no testimony in opposition; however, the record consists of two letters in opposition (p.23-24)
6. On June 23, 2004, the Planning Commission agreed with the staff recommendation and voted 9-0 to recommend approval. This Comprehensive Plan Amendment will also be reviewed and acted upon by the Lancaster County Board of Commissioners.
7. The associated text and map amendments to the zoning ordinance were also recommended for approval, and are scheduled for hearing at this same Council meeting. Also scheduled for hearing is a proposed Interlocal Agreement with the Airport Authority.

FACTSHEET PREPARED BY: Jean L. Walker

REVIEWED BY: _____

REFERENCE NUMBER: FS\CC\2004\CPA.04002

DATE: July 6, 2004

DATE: July 6, 2004

COMPREHENSIVE PLAN AMENDMENT NO. 04002

April 14, 2004

Airport Noise Plan: Comprehensive Plan & South Subarea

| Applicant | Location | Proposal |
|---------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Planning Department and Lincoln Airport Authority | Generally between N.W. 70 th and N. 1 st / 12 th Street from W. Claire Avenue north to Waverly Road. | a) Adoption of the Lincoln Airport Federal Aviation Regulation (F.A.R.) Part 150 Noise Compatibility Study as an approved subarea plan; b) Amend language in the “Mobility and Transportation” section; and, c) Amend the Land Use Plan and Future Service Limit |
| Recommendation: Approval | | |

Status/Description

The “Lincoln Airport F.A.R. Part 150 Noise Compatibility Study” (referred to as the Noise Study) is the result of an extensive 16 month assessment process. The Noise Study would replace the current Airport Noise Control & Land Use Compatibility (ANCLUC) Study completed in 1980. The ANCLUC Study provided land use guidance and legal basis for the adoption of the Airport Environs Noise District Zoning Ordinance, and the current airport noise regulations that govern the use of land. Since the 1980s, the City has continued growing in multiple directions around the airport, while aircraft technology, airport operations, and the mission of the military has also changed. These changes have led to the need for a new Noise Study to assess the existing and future aircraft noise impacts for the airport environs.

The Noise Study is authorized under the Aviation Safety and Noise Abatement Act of 1979. The Federal Aviation Regulation (F.A.R.) Part 150 Noise Compatibility Study is the administrative rule developed to implement the Act and sets out the requirements for airport operators who undertake an airport noise compatibility study. The Federal Aviation Administration (FAA) is vested with the authority to implement and administer the Act. The Noise Study was prepared according to the regulations contained within the Code of Federal Regulations. All models and methodologies contained within the Noise Study have been approved by the Federal Aviation Administration.

The Airport Environs Noise District boundary identifies properties that are subject to an aviation and noise easement, as a condition of development approval. The easement is a legal requirement that provides notice to prospective property owners of aircraft overflight and noise impacts. The noise contour lines are used to regulate where noise-sensitive uses are permitted. Each Day Night Average Sound Level (DNL) noise contour line represents a 24-hour annual average weighted noise level measured in decibels. The DNL measurement is the standard FAA metric for determining the cumulative exposure of individuals to aircraft noise. The DNL is weighted by adding a 10-fold penalty to each noise event occurring between 10:00 p.m. and 7:00 a.m.

Beginning with the first meeting in June 2002, a Planning Advisory Committee (PAC) of 24 representatives participated with the Lincoln Airport Authority, and their consultant to complete the Noise Study. Representatives from the Arnold Heights Neighborhood Association, Capitol Beach Community Association, Coddington Mills Neighborhood Association, Highlands Neighborhood Association, West “A” Neighborhood Association, and West “O” Neighborhood Association, the City of Lincoln, various aircraft operators, the military and other groups met regularly to discuss issues and review proposals and alternatives in the Noise Study.

Four public information meetings were held during the Noise Study process to gather opinions and thoughts of residents and interest groups. The Lincoln Airport Authority held a public hearing on the Noise Study, as required by Federal Aviation Regulations (F.A.R.) on July 31, 2003. The Lincoln Airport Authority approved the Noise Study in September 2003, and forwarded it to the Federal Aviation Administration for a compliance review. On February 3, 2004, the City of Lincoln hosted a public information meeting, attended by 23 people, where draft amendments to the Comprehensive Plan and Zoning Ordinance were presented.

The objective of the noise compatibility planning process is to improve the compatibility between aircraft operations and noise-sensitive land uses in the area, while allowing the airport to continue to serve its role in the community, state and nation. The Noise Study includes three elements that are aimed at satisfying this objective.

- 1) The *Noise Abatement Element* includes measures such as runway use and flight routes, facilities development, aircraft operational procedures, airport restrictions, and regulations to reduce the size of the noise contours or move the operations to other areas where noise is less disruptive.
- 2) The *Land Use Management Element* includes measures to mitigate or prevent noise impacts on existing noise-impacted land uses and future land use development in the airport environs. The recommendations specifically addressed in this Comprehensive Plan amendment are shown in the attachment titled, “Table 6C Summary of Noise Compatibility Program, 2002-2017.”
- 3) The *Program Management Element* includes procedures and documents for implementing the recommended noise abatement and land use measures, monitoring the progress of the program, and updating the Noise Study.

This Noise Study has been developed based on a **10-year planning period**.

Highlights of the Noise Study *Land Use Management Element* recommendations are below:

Measure 1: Change the boundaries of the Airport Environs Noise District.

Action: Included with related application - Change of Zone #04024.

Measure 2: Update the Comprehensive Plan to reflect the Airport Environs Noise District.

Action: Included in this Amendment.

Measure 3: Update the Comprehensive Plan to reflect the 2002 noise contours and incorporate the 60 Day Night Average Sound Level (DNL) noise contour.

Action: Included in this Amendment.

Measure 4: Modify the existing Airport Environs Noise District regulations to reflect the 2002 noise contour and incorporate the 60 DNL noise contour.

Action: Included with related application - Change of Zone #04024.

Measure 5: Adopt airport land use compatibility guidelines for review of development projects within the Airport Environs Noise District.

Action: Included in this Amendment.

Measure 6: Maintain compatibly-zoned areas within the 2002 60 DNL noise contour.

Action: Included in this Amendment.

Measure 7: Lobby state legislature to modify fair disclosure regulations.

Action: Not included with this amendment. The Noise Study does not identify the City or County as a participant in completing this measure.

Measure 8: Utilize fair disclosure covenants and signage in new developments within the Airport Environs Noise District to notify prospective landowners of the presence of aircraft operations.

Action: Included in this Amendment.

The Noise Study is a comprehensive assessment and detailed program that provides guidance on existing and future developments within the airport environs. Some of the measures included in the Noise Study will require continued implementation and monitoring by the Lincoln Airport Authority. The Noise Study recommendations concerning land use management are the responsibility of local government jurisdictions to adopt, regulate and enforce. This Noise Study will guide future public and private investments in the airport environs.

Comprehensive Plan Implications

The Noise Study identifies possible changes to land use (i.e., from residential to non-residential) in areas that under the current mapped noise contour lines and zoning regulations in the Lincoln Municipal Code would be prohibited. As a result of the Noise Study's findings, the 2002 noise contour lines and zoning regulations indicate a change in the geographic area covered by land use regulations.

The Noise Study shows the 2002 noise contour lines as generally narrower and shorter, than the mapped noise contour lines identified in the ANCLUC Study completed in 1980. The Noise Study recommends incorporating the 60 Day Night Average Sound Level (DNL) noise contour. This new noise contour line is added to the 65 DNL, 70 DNL and 75 DNL noise contours already utilized to regulate and maintain compatibly-zoned land uses within the Airport Environs Noise District. These revised noise contour lines and zoning regulations permit the expansion of compatibly-zoned land uses, and ensure minimizing aircraft noise impacts to residential areas within the airport environs. The 2002 noise contour lines and revised zoning regulations will be used to assess requests for new land use designations and evaluate zoning changes in the future.

The current 65 DNL noise contour is very similar in shape to the 2002 60 DNL noise contour. During the preparation of the ANCLUC Study in 1980, the 60 DNL noise contour was recommended to be incorporated into the land use regulations for the City. However, due to the large size of the 60 DNL noise contour at the time and amount of land contained within the contour, it was determined that land use regulation within the 60 DNL noise contour was not feasible. This change to the regulations would have a minimal effect on land uses as the area is currently regulated by land use regulations. The recommended change to the regulations would ensure that noise-sensitive uses are sound-insulated to minimize the impact of aircraft operations.

The Comprehensive Plan section on "Mobility and Transportation" states:

The City of Lincoln's Airport Environs Noise District and Airport Zoning Regulations have been established to ensure the balance between the airport operations and the surrounding land uses. The regulations govern

uses and structural characteristics compatible with the airport's operations and minimize negative impacts on surrounding residents. The previous Airport noise exposure and land use study on the compatibility of airport noise and land uses was completed in February, 1980. An update of this program will allow measures to be undertaken to provide an improved noise compatibility program to reduce noise and non-compatible land uses. (Page F 123)

The Lincoln Airport Authority will assess the existing and future noise impacts, noise contours for the Airport environment in a *Part 150 Airport Noise Compatible Planning Study*. The Airport Authority should begin the *Part 150 Study* within one year from the adoption of this Comprehensive Plan, and the material results should be processed as amendments to the Comprehensive Plan and City and County Land Use ordinances. These results could effect the development patterns in southwest and northwest Lincoln and other parts of the County.

Strategies: Assess the Existing and Future Noise Impacts

- Assess the existing and future noise impacts, noise contours for the Airport environment in a "Part 150 Airport Noise Compatible Planning Study."
 - Based on the land use and zoning information gathered, this task will generate analyze and recommend possible actions to improve land use compatibility around the Airport.
- (Page F 123)

South Subarea Land Use Amendments

The revised 2002 noise contour lines and proposed zoning regulations, also lead to a number of changes to the Lincoln/Lancaster County Land Use Plan, including revisions to land use and the City's future service limit in the vicinity of West "A" and S.W. 27th Street. This area is actively developing and the City has received a number of requests to provide urban services. These amendments are based on a "lot-by-lot" analysis using the 2002 noise contour lines and proposed zoning regulations, as well as discussions with property owners and the neighborhoods.

The specific amendments for the "South Subarea" in the West "A" from S.W. 27th to S.W. 40th Street vicinity are shown on the attachment titled, "Exhibit A," and are more specifically described below:

- A. Change the land use designation for approximately 70 acres, on the south side of West "A" Street, between S.W. 27th Street and S.W. 31st Street, from Commercial to Urban Residential, and change the Green Space designation to correspond to the adjacent land use (Request of Hartland Homes);
- B. Delete the Community Commercial Center designation from the south side of West "A" Street; and
- C. A minor "clean up" in the vicinity of S.W. 40th and W. "F" Street, change the land use designation from Low Density Residential to Agricultural Stream Corridor.

Future Service Limit Expansion

The expansion of the City's future service limit is a separate amendment proposal and is not directly related to the Noise Study. The land is located outside of the 2002 noise contour lines. The land to be included within the City's future service limit represents an adding approximately 115 acres which would be provided with urban services during the 25-year planning period.

The infrastructure needed to serve this area is anticipated to be available during the Tier I Priority A planning period - - or approximately the year 2014. Public Works and Utilities have evaluated this proposal and comment that wastewater improvement projects to serve this area are not included in the 2003-2009 Capital Improvement Program. A water main is built in the general vicinity to serve this area, and a street improvement

project along West “A” Street is identified in the Capital Improvement Program for 2007-2008. Capacity at the Theresa Street Wastewater Facility to serve this additional land is available.

There would be a number of upgrades or extensions of urban streets, water mains and the wastewater system needed to serve parts of this area. Specifically, the sanitary sewer line does not have the capacity to carry flows from this area to the Treatment Plant without surcharging. This sanitary sewer line will require significant improvements to accommodate additional wastewater flows. If development is proposed in the near term, the cost of advancing necessary infrastructure projects would be the responsibility of the developer.

The specific amendments to land use and the City’s future service limit in the West “A” and S.W. 40th Street vicinity are shown on the attachment titled, “Exhibit A,” and are more specifically described below:

- D. Change the land use designation for approximately 115 acres, between West “A” Street and West South Street, S.W. 36th and S.W. 40th Streets; and, between West “A” Street and a quarter mile north, S.W. 40th and a ½ mile east, from Low Density Residential to Urban Residential; and
- E. Add approximately 115 acres to the City’s future service limit with a designation of Tier I - Priority A.

These changes are contingent upon the adoption of the Noise Study and related application CZ#04024. The proposed land use changes would be in conformance with the goals of the Comprehensive Plan. The Comprehensive Plan promotes the siting of residential uses in appropriate locations throughout the community. A change of zone request is required to finalize a land use change and permit the property to be used as it would be shown in the Land Use Plan, as indicated above. In terms of process, this Comprehensive Plan amendment is the first step.

Conclusion

The approval of the Noise Study would replace the ANCLUC Study completed in 1980. It provides the best available information to maintain compatibly-zoned land uses, ensures the continued viability of airport operations, requires fair notice and aircraft overflight and noise impact disclosure to prospective residents and business owners, and minimizes noise impacts to existing and future development areas. The Noise Study contains recommendations that, as a comprehensive program, aims to reduce aircraft noise impacts and noncompatible land uses.

This Comprehensive Plan amendment incorporates seven of the eight *Land Use Management Element* recommendations identified in the Noise Study, as shown in the attachment titled, “Table 6C Summary of Noise Compatibility Program, 2002-2017.” The measure that is not incorporated with this amendment relates to lobbying state legislature to modify fair disclosure regulations. These efforts are too specific and not appropriate for the Comprehensive Plan. The adoption of the Noise Study would permit changes to the land use plan, and contingent upon the adoption of the revised noise contours and zoning regulations would continue to ensure compatibly-zoned land use in the airport environs. The proposed land use changes included with this amendment are compatible with the Noise Study.

The Noise Study is in conformance with the goals of the Comprehensive Plan. The Comprehensive Plan supports implementing noise compatibility programs to reduce aircraft noise impacts and non-compatible land use. The Comprehensive Plan promotes the siting of all land uses in appropriate locations throughout the community. The Comprehensive Plan promotes the use of the best available information to remain responsive to changing conditions. The Noise Study would be a guide for future implementation activities, public and private improvements, changes in land use and zoning districts, and other development actions.

Amend the Comprehensive Plan as follows:

1. Amend the “Lincoln/Lancaster County Land Use Plan”, figure on pages F 23 and F 25, to designate changes in land use and to the City’s future service limit as shown on the map, Exhibit A on the following page, and change other maps in the Comprehensive Plan accordingly;
2. Amend the language on page F 123 to reflect the following amendments:

The City of Lincoln's Airport Environs Noise District and Airport Zoning Regulations have been established to ensure the balance between the airport operations and the surrounding land uses. The regulations govern uses and structural characteristics compatible with the airport's operations and minimize negative impacts on surrounding residents. The ~~previous~~ Airport noise exposure and land use study on the compatibility of airport noise and land uses was completed in ~~February, 1980~~ September, 2003. ~~An update of t~~This program will allows measures to be undertaken to provide an improved noise compatibility program to reduce noise and non-compatible land uses.

The Lincoln Airport Authority ~~will~~ has assessed the existing and future noise impacts, noise contours for the Airport environment in a *Part 150 Airport Noise Compatible Planning Study*. The Comprehensive Plan will use information from the Part 150 Study to guide land use planning throughout the airport environs. The Airport Authority should begin the Part 150 Study within one year from the adoption of this Comprehensive Plan, and the material results should be processed as amendments to the Comprehensive Plan and City and County Land Use ordinances. These results could effect the development patterns in southwest and northwest Lincoln and other parts of the County.

3. Amend the language on page F 123 to reflect the following amendments to strategies:

Strategies: Assess the Existing and Future Noise Impacts

- ~~Assess the existing and future noise impacts, noise contours for the Airport environment in a “Part 150 Airport Noise Compatible Planning Study.”~~ The Lincoln Airport F.A.R Part 150 Noise Compatibility Study, completed in 2003 is an approved Subarea Plan of the Comprehensive Plan. Recommendations of the Study should be implemented over time.

- ~~Based on the land use and zoning information gathered, this task will generate analyze and recommend possible actions to improve land use compatibility around the Airport. Maintain compatible land uses and zoning within the 60 DNL and 75 DNL noise contour line.~~

4. Amend the Plan on page F 123 to include the map titled “Lincoln Municipal Airport Environs and Noise Contours” as shown in Exhibit B on the following page; and,
5. Amend the list of approved subarea plans on page F 156 to include the “Lincoln Airport F.A.R. Part 150 Noise Compatibility Study, 2003” as an adopted subarea plan. (The Part 150 Study involves the preparation of two official documents: the Noise Exposure Maps (NEM) and the Noise Compatibility Program (NCP)).

Prepared by

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Planning Department, (402) 441-7603

COMPREHENSIVE PLAN AMENDMENT NO. 04002
and
CHANGE OF ZONE NO. 04024

PUBLIC HEARING BEFORE PLANNING COMMISSION:

April 28, 2004

Members present: Larson, Carroll, Taylor, Sunderman, Carlson, Pearson, Krieser, and Bills-Strand; Marvin absent.

Staff recommendation: Approval.

Ex Parte Communications: None.

Duncan Ross of Planning staff submitted two letters in opposition.

Ross gave a history of the proposal. The staff briefed the Planning Commission on February 4, 2004, and reviewed the general concept of the noise study and why it was undertaken. Today, the staff is following up with the two related applications, the Comprehensive Plan Amendment and the Change of Zone text amendment. The Comprehensive Plan Amendment has three main parts: 1) updating the Comprehensive Plan to include the noise study as a subarea plan that provides policy guidance when reviewing land use actions in this area; 2) as a result of the noise study recommendation, we are proposing to approve the request by Duane Hartman to change approximately 80 acres currently designated commercial to residential; and 3) (unrelated to the noise study), expanding the future service limit in the area of S.W. 40th and West "A" to include approximately 115 acres in Priority A of Tier I.

The change of zone brings forward a number of recommendations that are identified in the noise study, including extending the district requiring avigation and noise easements to include areas out in the future growth areas which are today under the flight of military training aircraft. As this area develops, we would like to see the avigation and noise easement extended to future properties. In 1980, the previous noise study was completed which identified the noise contours used for regulation today. This study updates those noise contours and the new contours are generally narrower and shorter than the ones used today, including the 60 day/night noise sound level. This proposal also modifies a number of other areas of the ordinance, some minor and some more in keeping with language and definitional changes that update the ordinance to reflect what we have done with the rest of the ordinance over the last 20 years. The noise contours themselves provide further restrictions on what types of uses can be located within that noise contour. The proposed noise contour substantially reduces the number of nonconforming uses and it does not create any additional nonconforming uses. These are uses very close to the airport that are today considered nonconforming. The new noise contours substantially improve the nonconforming status of a lot of property.

Ross advised that the Planning Department notified about 1400 individuals and property owners in January for a public information meeting held on February 2, 2004. Since January and with the recent notification for this meeting, the Planning Department has received a lot of phone calls.

Ross then requested that the Commission defer these applications until May 26th due to updated information which the staff received this morning.

Carlson sought clarification of "lowering the standard to 60". Does that mean we are lowering the noise threshold at which additional protections need to be created? Ross explained that it means that we are identifying a new threshold of significance for noise. 60 is a lower noise contour than the current 65 noise contour. We are doing this because the footprint between the current regulations and the new ones are very similar and after 20 years of research on how noise impacts individuals, it has been recommended through the noise study that we go to the new 60 significant noise threshold.

Carlson moved to defer, with continued public hearing and administrative action on May 26, 2004, seconded by Krieser and carried 8-0: Larson, Carroll, Taylor, Sunderman, Carlson, Pearson, Krieser, and Bills-Strand voting 'yes'; Marvin absent.

CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:

May 26, 2004

Members present: Marvin, Krieser, Carlson, Larson, Sunderman, Pearson, Carroll and Bills-Strand; Taylor absent.

Staff recommendation: Approval.

Ex Parte Communications: None.

Proponents

1. Duncan Ross of Planning staff requested an additional four-week continuance. In the past four weeks, some of the issues that were identified between the city and the Airport Authority were resolved; however, some of the key staff have been out of the office so he is not able to bring forward the result of the discussions and to finalize the modifications to the text amendments.

Larson asked about the restrictions that are in effect in these areas. Ross stated that the proposed regulations put a number of new restrictions on particular uses in the higher noise contours, which are different than the restrictions in the land uses today. Today we have restrictions on residential land uses up to 70 dnl. In the future, the residential restriction would go down to 65 dnl and there are a number of restrictions for particular land uses that are sensitive to aircraft noise. It is a change in the type of uses that will be restricted. Larson wondered if the change from 70 to 65 will cover some existing houses. Ross explained that the area of 65 is generally the same as the area that is 70 today. As a result of the proposed changes, there is a number of areas where housing would be permitted that is not permitted today.

Larson moved to defer, with continued public hearing and administrative action on June 23, 2004, seconded by Krieser and carried 8-0: Marvin, Krieser, Carlson, Larson, Sunderman, Pearson, Carroll and Bills-Strand voting 'yes'; Taylor absent.

2. Peter Katt appeared on behalf of **Hartland Homes**. Hartland Homes is not opposed to the deferral, but this needs to move forward on June 23rd. Hartland Homes has had a lot of experience and has built a lot of homes in the area of the airport noise environs. The current project Hartland is working on, called Hartland Homes Southwest, located east of SW 27th on the south side of A Street, will be nearly finished by spring of next year. As a result of these proposed changes, the property immediately west that is zoned H-4 is on the market and available for purchase, which Hartland acquired in anticipation that these noise standards would change and that property would become available for residential development. There is interest in getting these changes moved forward. When we had discussions with staff beginning last summer, the timeline for this change in the airport noise standards was to have been shortly after the first of the year and now it is June.

CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:

June 23, 2004

Members present: Pearson, Carroll, Marvin, Taylor, Krieser, Larson, Sunderman, Carlson and Bills-Strand.

Staff recommendation: Approval of the Comprehensive Plan Amendment, and approval of the Change of Zone, as revised on June 17, 2004.

Ex Parte Communications. None.

Proponents

1. Duncan Ross of Planning staff stated that some points of clarification in the change of zone application have been resolved during the last eight weeks and the revisions to the text amendment were submitted on June 17, 2004. Nothing has changed on the Comprehensive Plan Amendment.

In 2002, the Airport Authority initiated a Part 150 Study to update the noise study that was done in 1980. After a long process with the public and an advisory committee, the study was completed in September of 2003, and just last week the airport was notified that the FAA has accepted the study.

These applications are a result of the noise study and the recommendations that were contained therein. This application also increases the future service limit and changes some land uses outside the areas impacted by noise.

The revisions to the text amendment clarify some of the language regarding aviation and noise easements.

As a result of this amendment, Ross indicated that we are now regulating up to 60 DNL sound level for restriction of certain land uses that are sensitive to noise, where previously, we restricted certain uses only down to 65 DNL. This also increases the district boundary to include areas that are in the future growth zones of Lincoln.

2. John Wood, Executive Director of Lincoln Airport Authority, testified in support. He explained the study process, being the result of the changes in the noise level of civil aircraft and the change in aircraft types used by the National Guard with there being no fighter jets being flown by the National Guard. The purpose of the legislation is to continue to protect the airport from encroachment by incompatible uses. Because aircraft have gotten quieter, some areas surrounding the airport can be considered for uses that were restricted in the past. He asked the Commission to keep in mind that while some areas previously restricted from noise sensitive uses, such as residential development, may now be allowed, some of these areas are still exposed to aircraft over-flight and aircraft noise. Additional areas west of the airport are proposed to be included in the Airport Environs District. This is related to the change in aircraft by the Air National Guard. Wood also submitted an appraisal from Matthew J. Wilson indicating that there is no relationship between aviation easements and property value.

There was no testimony in opposition.

COMPREHENSIVE PLAN AMENDMENT NO. 04002

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

June 23, 2004

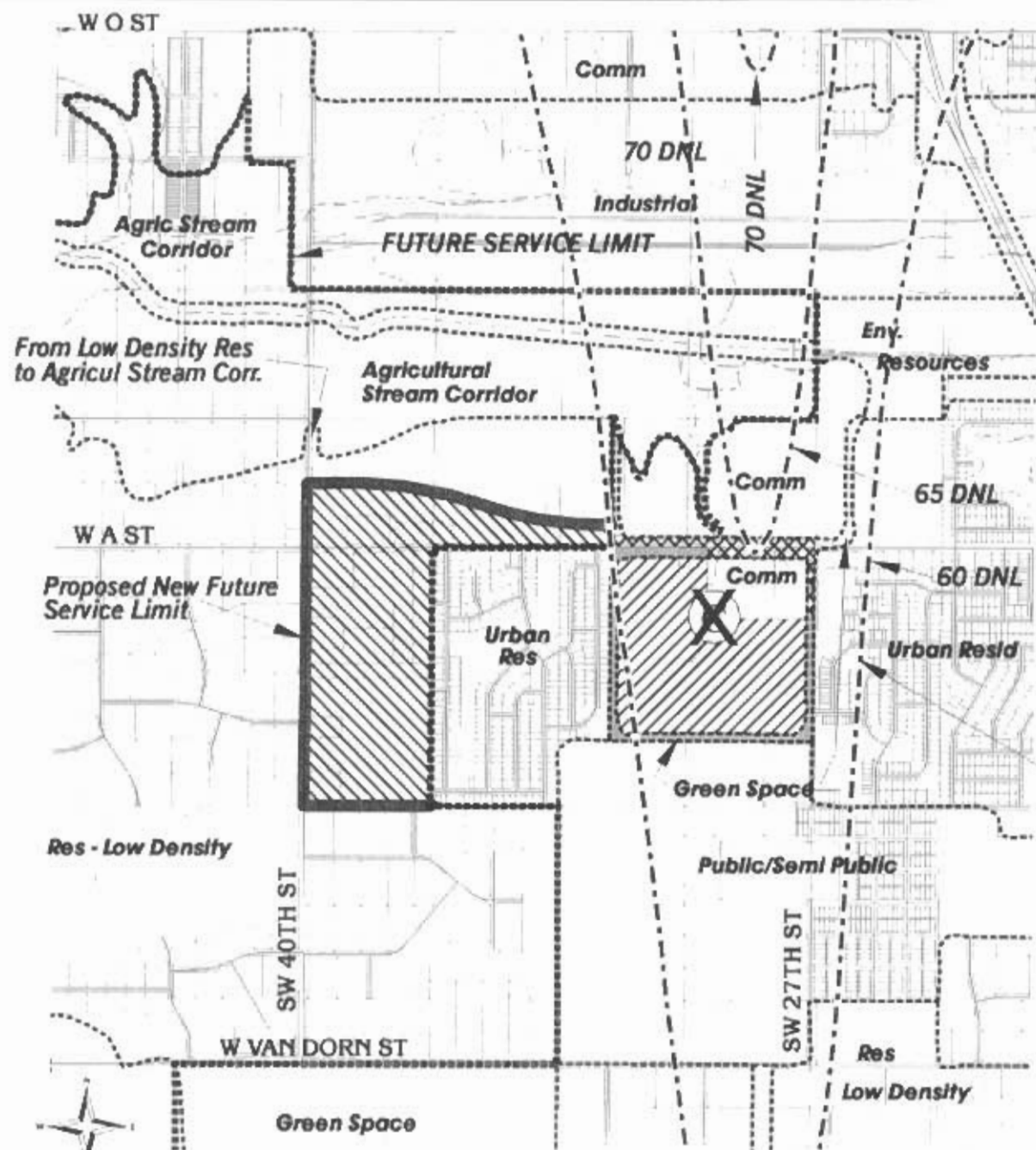
Larson moved approval, seconded by Marvin and carried 9-0: Pearson, Carroll, Marvin, Taylor, Krieser, Larson, Sunderman, Carlson and Bills-Strand voting 'yes'. This is a recommendation to the City Council and the Lancaster County Board.

CHANGE OF ZONE NO. 04024

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

June 23, 2004

Larson moved approval, as revised, seconded by Krieser and carried 9-0: Pearson, Carroll, Marvin, Taylor, Krieser, Larson, Sunderman, Carlson and Bills-Strand voting 'yes'. This is a recommendation to the City Council.



Note: Airport Noise Contours shown for information only

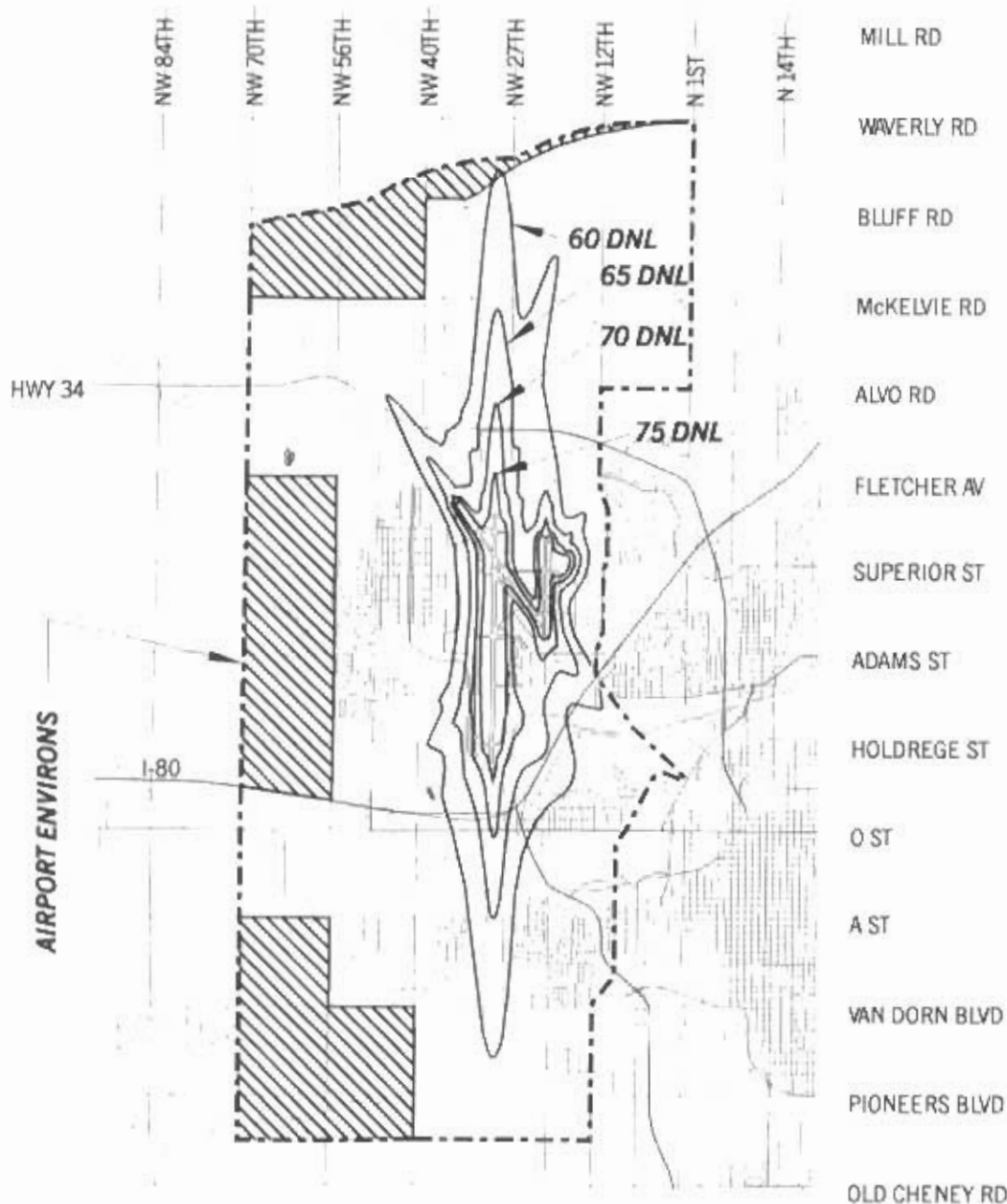
Airport Noise Plan - South Subarea

Proposed Amendment # 04002 (Exhibit A)

- Future Service Limit
- Land Use Boundary
- Res Land Use Category
- From Low Density Res to Urban Res and add to Future Service Area
- From Commercial to Urban Res
- Remove Community Commercial Center (South Side of West A St)
- New Future Service Limit

- From Green Space to Commercial
- From Green Space to Urban Res

012



Lincoln Municipal Airport Environs and Noise Contours

Proposed Amendment 04002 (Exhibit B)



Area to be Added to Existing
Airport Environs



013

Excerpt from "Lincoln Airport Part 150
Noise Compatibility Study"
Pages 6-20 to 6-22

TABLE 6C

Summary of Noise Compatibility Program, 2002-2017

Lincoln Airport

| Measure | Cost to Airport or Government | Direct Cost to Users¹ | Timing | Lead Responsibility² | Potential Funding Sources |
|----------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|-----------------------------------------|------------------|-------------------------------------------------------------|----------------------------------|
| NOISE ABATEMENT ELEMENT | | | | | |
| 1. Continuation of Airport's existing run-up noise abatement procedures. | \$5,000 | None | 2002 and ongoing | Lincoln Airport Authority | Airport operating budget |
| 2. Continuation of existing military training procedures and publication of these procedures within the AP/1 and IFR Supplement. | Administrative | None | 2002 and ongoing | Lincoln Airport Authority | N.A. |
| 3. Encourage the use of AC 91-53A by large jets. | Administrative | None | 2002 and ongoing | Lincoln Airport Authority | N.A. |
| 4. Encourage the use of NBAA noise abatement procedures. | Administrative | None | 2002 and ongoing | Lincoln Airport Authority | N.A. |
| 5. Promote the use of AOPA Noise Awareness Steps by light single and twin-engine aircraft. | Administrative | None | 2002 and ongoing | Lincoln Airport Authority | N.A. |
| LAND USE MANAGEMENT ELEMENT | | | | | |
| 1. Change the boundaries of the Airport Environs Noise District. | Administrative | None | 2004 | City of Lincoln Lincoln Airport Authority (Applicant) | N.A. |

Excerpt from "Lincoln Airport Part 150
Noise Compatibility Study"
Pages 6-20 to 6-22

TABLE 6C (Continued)

Summary of Noise Compatibility Program, 2002-2017

Lincoln Airport

| Measure | Cost to Airport or Government | Direct Cost to Users ¹ | Timing | Lead Responsibility ² | Potential Funding Sources |
|-------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|-----------------------------------|------------------|-------------------------------------------------------|---------------------------|
| LAND USE MANAGEMENT ELEMENT (Continued) | | | | | |
| 2. Update the General Plan to reflect the Airport Environs Noise District. | Administrative | None | 2004 | City of Lincoln Lincoln Airport Authority (Applicant) | N.A. |
| 3. Update the General Plan to reflect the 2002 noise contours prepared as part of this study. | Administrative | None | 2004 | City of Lincoln Lincoln Airport Authority (Applicant) | N.A. |
| 4. Modify the existing Airport Environs Noise District regulations to reflect the 2002 noise contours and incorporate the 60 DNL noise contour. | Administrative | None | 2004 | City of Lincoln Lincoln Airport Authority (Applicant) | N.A. |
| 5. Adopt airport land use compatibility guidelines for review of development projects within the Airport Environs Noise District. | Administrative | None | 2004 | City of Lincoln Lincoln Airport Authority (Applicant) | N.A. |
| 6. Maintain compatibly-zoned areas within the 2002 60 DNL noise contour. | Administrative | None | 2002 and ongoing | City of Lincoln Lincoln Airport Authority (Applicant) | N.A. |
| 7. Lobby state legislature to modify fair disclosure regulations. | Administrative | None | 2002 and ongoing | Lincoln Airport Authority and State of Nebraska | N.A. |

Excerpt from "Lincoln Airport Part 150
Noise Compatibility Study"
Pages 6-20 to 6-22

TABLE 6C (Continued)

Summary of Noise Compatibility Program, 2002-2017

Lincoln Airport

| Measure | Cost to Airport or Government | Direct Cost to Users¹ | Timing | Lead Responsibility² | Potential Funding Sources |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|-------------------------------------------------|-------------------|--------------------------------------------|---------------------------------------------|
| LAND USE MANAGEMENT ELEMENT (Continued) | | | | | |
| 8. Utilize fair disclosure covenants and signage in new developments within the Airport Environs Noise District to notify prospective landowners of the presence of aircraft operations. | Administrative | None | 2004 | City of Lincoln | N.A. |
| PROGRAM MANAGEMENT ELEMENT | | | | | |
| 1. Establish a GIS system for receiving, analyzing, and responding to noise complaints; publishing the noise contours; and, community outreach. | \$50,000 | None | 2004 | Lincoln Airport Authority FAA | Airport capital budget (10%) FAA (90%) |
| 2. Prepare military and civilian pilot guides. | \$10,000 initially \$5,000 every three years | None | 2004 | Lincoln Airport Authority FAA | Airport operating budget (10%) FAA (90%) |
| 3. Review Noise Compatibility Program implementation. | \$20,000 every three years | None | ongoing | Lincoln Airport Authority FAA | Airport operating budget (10%) FAA (90%) |
| 4. Update Noise Exposure Maps and Noise Compatibility Program. | \$300,000 | None | Five to ten years | Lincoln Airport Authority FAA | Airport capital budget (10%) FAA (90%) |
| | | | | | |
| Total Cost and Funding | | FAA | | \$391,500 | 89% |
| | | Airport Operating Budget | | \$13,500 | 2% |
| | | Airport Capital Budget | | \$35,000 | 9% |
| | | Total | | \$440,000 | |

MEMORANDUM

To: Duncan Ross, Planning Department
From: Public Works and Utilities/Wastewater Division
Subject : Comments Regarding Amendments to Comprehensive Plan
Date: April 14, 2004
Cc: Steve Master, Gary Brandt, Brian Kramer, Steve Henrichsen

Listed below are comments that the Wastewater Division has regarding the proposed Comprehensive Plan amendment 04002 now being evaluated.

Amendment 04002 — SW 40th & West A Street

The proposed area is an 80-acre parcel south of West A and East of SW 40th Street and approximately 110 acres north of West A Street and East of SW 40th Street. Both of these areas would be served from a 12" sewer line located in West A Street. This line is currently at capacity based on a full pipe at design conditions. Improvement would have to be made to approximately 9,500 feet of line to provide relief capacity to serve this area. None of these improvements have been included in the 2003-09 CIP. Only 22 acres north of West A Street can be provided sewer service due to the elevation of the sewer in West A Street and the slope of the area away from West A Street toward Middle Creek. This assumption is based on extending the existing 12" sewer in West A Street at minimum slope to the west. A detailed engineering study is necessary to determine the sub-basin sewer requirements for serving this proposed area. Achieving the improvements necessary to serve this area through a future CIP will require sewer rate increases. Additional 8" sewers will be required to serve this area at the developer's expense. The Theresa Street Treatment Plant has available capacity to serve this development.

REMARKS BEFORE PLANNING COMMISSION

In 1980 the Airport Authority completed a Noise Study, then called an Aircraft Noise and Land Use Compatibility or ANCLUC, to identify high noise areas and allow for land use planning and conformity with airport operations. Not only were commercial and corporate jets much noisier then than they are today, but the National Guard was flying fighter jets at that time that were extremely noisy. The current Airport Environs District, based on the 1980 ANCLUC Study, successfully protected the airport from encroachment for the past 24 years as Lincoln continued to grow.

Since then, civil aircraft have gotten quieter and the National Guard changed aircraft types and are no longer flying fighter jets in Lincoln.

As the 20 year life span of the 1980 Study came to an end the Airport Authority began the process of seeking FAA funding for a new Study, now called an FAR Part 150 Noise Compatibility Study, as outlined in Federal Aviation Regulations. The events of September 11th, 2001 slowed down the funding approval for the Study but it finally commenced in April, 2002.

The Study has been completed and adopted by the Airport Authority Board and final approval has recently been received from the Federal Aviation Administration. We have worked closely with City-County Planning staff throughout and the proposed zoning amendments before you today are the results of that effort and are based on the findings outlined in the Part 150 Study.

We would like to express our appreciation to the Planning Dept. staff and especially Duncan Ross for all their work and involvement in this process.

Obviously, we wish to continue to protect the airport, a major economic force in the local economy, from encroachment by incompatible uses. We also recognize that because aircraft have gotten quieter some areas surrounding the airport can be considered for uses that were restricted in the past. Finding the correct mix is often difficult. Please keep in mind that while some areas previously restricted from noise sensitive uses such as residential development, may now be allowed, some of these areas are still exposed to aircraft over-flight and aircraft noise. In some cases this over-flight will be on a continual basis as aircraft are arriving or departing from the airport runways.

The other area of change being proposed, to the Airport Environs District, is the inclusion of additional areas west of the airport.

This is related to the change in aircraft by the Air National Guard. The areas west of the airport, in the existing Environs District, were included because those were the areas overflown by the F-4 Phantom fighter jets the Guard was flying in 1980.

The KC-135's which the Guard flies today have different operational characteristics and their flight patterns put additional areas under regularly used and necessary flight

paths. We need to continue to provide protection for all airport users especially one as important as the Air National Guard, which is not only a major airport tenant but also a major employer and economic force in Lincoln. We want to do all we can to insure the airport meets their needs so that there is minimal risk that the federal government would consider closing the National Guard Base under some future Base Realignment and Closure process.

The Airport Authority is aware of concerns that have been expressed that the grant of an aviation easement may have a detrimental impact on the market value of the subject property. We have had this issue researched by Lincoln appraiser Joe Wilson and a copy of his report has just been submitted to you. As you will note in his report, he found no basis for a detrimental impact on market value of property where an aviation easement has been granted.

Continuing to protect the airport is a vital and delicate issue.

We would appreciate your favorable consideration of the amendments as proposed and urge their adoption as presented.

WILSON APPRAISAL COMPANY2019 South 12TH Street - Lincoln, Nebraska 68502

Office: (402) 475-3030 - Fax: (402) 475-3038

June 11, 2004

Mr. Michael Johnson
Johnson Law Office, P.C.
6101 South 58th - Suite D
Lincoln, NE 68516

RE: Avigation Easements

Dear Mr. Johnson:


At your request, I have researched the market for lot sales in the west portion of Lincoln to find what effect, if any, avigation easements have on the market value of vacant lots in that area.

My research included both county records and the Lincoln Board of Realtors MLS system. My research included over 50 vacant lot sales, generally in the size range of 60' x 120', in areas both with and without avigation easements. The only subdivision with an avigation easement that is currently selling lots (that I know of) is Ashley Heights. Currently the typical lots in the area are selling for approximately \$33,000. I researched three subdivisions in west Lincoln, Timber Ridge, Lee's Place and Vesteka's Villa Van Dom Addition. The most recent sales in these three subdivisions are selling from \$30,000 to \$33,000, with most of these sales occurring last year, in 2003. Based on this data it would seem that there is no relationship with avigation easements and value.

Further, I have talked to two developers in the area, Hub Hall and Duane Hartman. Both of these developers indicated to me that the avigation easements have no effect on the value of their developments.

I hope that this answers your questions, but if not, don't hesitate to contact me.

Sincerely,

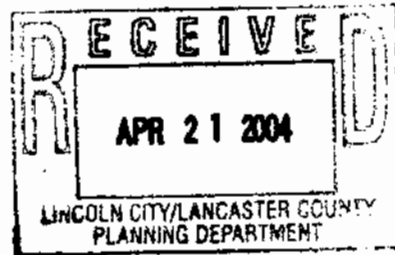


Matthew J. 'Joe' Wilson
CG 920198

April 20, 2004

Lincoln/Lancaster County Planning Commission
555 So. 10th, Suite 213
Lincoln, NE 68508

RE: Comprehensive Plan Amendment #04002
Change of Zone #04024



The Lincoln Airport Authority fully supports and hereby requests the Commission's full support for the adoption of Comprehensive Plan Amendment #04002 based on recommendations contained in the Lincoln Airport Federal Aviation Regulation (F.A.R.) Part 150 Noise Compatibility Study.

The Lincoln Airport Authority initiated the federally funded Part 150 Noise Study in April, 2002 due to the expiration of the old (1980) Study and changes in aircraft mix utilizing the Lincoln Airport. We worked closely with our consultants, Coffman Associates; a Planning Advisory Committee made up of a diverse group of local individuals; as well as Planning Department staff and other stakeholders over the last 18 months to complete the Study requirements.

The Airport Authority Board approved the Study last September and submitted it to the FAA for approval. We are still waiting for FAA approval and anticipate FAA approval of the Study within the next few weeks.

During the study, and since its completion, the Airport Authority has worked closely with Planning Department staff to evaluate all land use management elements that are contained in the amendments you are considering.

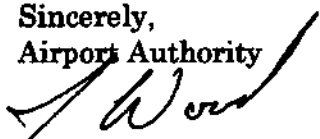
We believe that these amendments continue to maintain compatibly-zoned land, minimize the number of residents exposed to aircraft noise, and guide future land use decisions, all in a manner that is consistent with the current and foreseeable future operations of the Lincoln Airport.

We recognize that although this is an Airport Authority/FAA study, we can only make recommendations to you relative to compatible land use. Since the Planning Commission is the responsible governmental agency to review and recommend changes to the Comprehensive Plan we request your thoughtful consideration and adoption of the presented amendments to ensure the

Planning Commission
April 20, 2004
Page 2

harmonious growth of both the Lincoln Airport and the people of Lincoln,
Nebraska.

Sincerely,
Airport Authority



John Wood
Executive Director

JW/lb

GEORGE BOOL

9000 NW 40th
Lincoln NE 68524
402-470-0277

April 28, 2004

City of Lincoln
Planning Commission

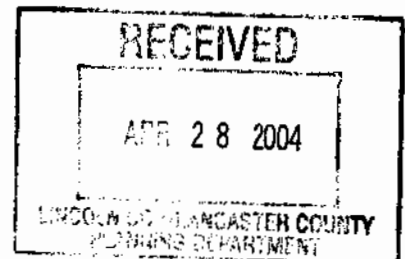
To Whom it May Concern,

I am a property owner located in the noise district and a tenant for Reed Sisters and Bool Family Partnership. Speaking on behalf of myself and as a representative for the Reeds and the Boos I want to be on record against the comprehensive plan amendment.

04002
#0 4028 change of zone

I believe the restrictions proposed on our air space would be taking part of our air space rights without compensation.

Sincerely, *George H. Bool*
George H. Bool





pen00fs@men.com

04/27/2004 01:31 PM

To: <plan@cl.lincoln.ne.us>

cc:

Subject: Change of Zone No. 04024

<?xml:namespace prefix="v" /><?xml:namespace prefix="o" />

City County Planning Commission
555 South 10th Street
Lincoln, NE 68508

RE: Change of Zone 04024
Areas to be Added to Airport Environs Noise District

Ladies and Gentlemen:

I am the owner and operator of 160 acres of land, Legal Description SW1/4 of 1-9-5 Denton Precinct. The land is located between 63rd and SW 70th and West Pioneer. The northwest corner of this property abuts the southeast corner of prime developed acreages. The residents living there have elected to move there because of the serene and quiet surroundings.

I am at a loss to understand why my land in particular, as well as the surrounding area has become a concern for the Planning Commission.

I have farmed this land for 55 years and continue to do so. I have always found it to be a quiet location. Previous studies have apparently shown this fact to be true.

I respectfully request that the Planning Commission reconsider and delete land at 1-9-5 from the area to be added to Airport Environs Noise District.

Respectfully,
Frank A. Sobotka (Trustee)
Of the Frank A. Sobotka Revocable Living Trust